

SCIENCE & GOVERNMENT REPORT

The Independent Bulletin of Science Policy

Vol. IX, No. 4

P.O. Box 6226A, Washington, D.C. 20015

March 1, 1979

Patent-Rights Struggle Returns to Congress

An all-out bipartisan attack on the government's patent policies seems to be brewing in the back rooms of the Congress, and some legislative aides are even predicting that by Spring the patent issue may well be one of the big science-policy controversies of the year.

With growing support from both sides of the aisle, Senators Birch Bayh (D-Ind) and Robert Dole (D-Kans) recently reintroduced legislation which would allow universities and small businesses to obtain patent protection for inventions resulting from government-supported research.

A version of their University and Small Business Patent Procedures Act (S414) was introduced last year, but failed to gain more than fleeting attention from legislators busy with other matters. This year's bill, however, is expected to get a full hearing in the Senate Judiciary Subcommittee on the Constitution in April. According to Congressional sources, the issue will also emerge soon in the House in a bill authored by Rep.

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Peter Rodino (D-NJ), chairman of the House Judiciary Committee.

And on a related front, Senator Dole has written to the Department of Health, Education, and Welfare for an explanation of the recent firing of the agency's patent counsel, Norman J. Latker.

A 22-year veteran of government service—including 15 years in HEW's patent office—Latker has been one of the main opponents of the department's existing patent policies.

At Congressional hearings last year, Latker condemned HEW's reluctance to give university scientists and other researchers exclusive rights to inventions that result from government-supported projects. In a blow that must have been felt throughout the Administration, Latker also provided evidence to members of Congress that HEW had knowingly delayed the release of patents for what were described as potentially life-saving drugs.

The problem was—and is—that the government has no uniform patent policy and didn't seem to know what to do about it, Latker testified.

Inventors have traditionally been given the exclusive right to make, use, and sell their inventions—a 180-year-old policy that was supposed to encourage their

enterprise. But when the government began to pour billions of tax dollars into research, the question of who should own the patent rights to inventions became more complicated.

As a result, over the past 30 years, individual Washington agencies have developed some 22 different patent arrangements, ranging from exclusive agreements that give inventors and research institutions the first option on all future inventions, to policies that, in effect, turn over inventions almost automatically to anyone who wants to develop them.

Although HEW had some of the most favorable of arrangements—as far as the researchers were concerned—in August 1977 the department changed its policies altogether. On the grounds that all patent mat-

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In Brief

That tight budget that the Administration is coyly proposing for NIH—in obvious anticipation of the usual Congressional pile-it-on response—would cut the grant-award rate from 43 per cent to about half of that, according to the Federation of American Societies for Experimental Biology. Funds for competing grants, for example, would drop from \$494 million to \$279 million. It's a reasonable bet that the legislative verdict won't be as drastic as all that, however.

New R&D Power on Capitol Hill: Reorganization of subcommittee jurisdictions within the House Science and Technology Committee greatly expands the scope of the Subcommittee on Science, Research, and Technology, chaired by Rep. George E. Brown, Jr. (D-Calif.) Brown's subcommittee picks up the pieces from the abolished Subcommittee on Domestic and International Scientific Planning, Analysis, and Cooperation. Included in his jurisdiction: NSF, the White House Science Office, the National Bureau of Standards, and the Office of Technology Assessment.

The proposed Department of Education is back again, but in scaled-down form. Last year's version called for pulling together 23,000 employees and \$17.5 billion worth of federal programs; the new bill cuts this to 16,000 employees and \$13.5 billion, mainly as a result of dropping Head Start and child-nutrition programs from the amalgamation. But even in revised form, changes of passage, while not bleak, aren't considered especially bright.

... Patent Counsel's Firing Draws Criticism

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ters were "under study," HEW officials said they would temporarily freeze all decisions on pending patent requests.

According to Latker, the repercussions of the decision not to decide were felt quickly. Collaborative arrangements between scientists who create inventions and commercial firms which test, develop, and market them began to deteriorate, he says.

When he saw Latker's findings, Senator Dole attacked HEW, accusing it of "pulling the plug" on biomedical research.

Then, on orders from Secretary Joseph A. Califano, Jr. HEW responded quickly to Senator Dole's charges: It released some of the patents and fired Latker.

A department spokesman now insists that "contrary to reports, it is not true," that the patent counsel was ousted for having blown the whistle on HEW.

Latker was dismissed, the spokesman said, because his superior, Richard Beattie (who is now a special assistant to Califano) said Latker did not meet "professional standards," and because of "specific instances" of misconduct, including "forms of lobbying flat out forbidden by the government's codes of conduct."

According to the HEW spokesman, the 47-year-old patent attorney had "displayed poor judgment" in dealing with patent applications, over which he had a "good deal of discretion." Latker, the spokesman said, also used government paper and personnel to reproduce a press release put out last year by Senator Dole. Latker was charged with violating the government's professional standards by helping the American Association of Medical Colleges draft a legal brief for the Supreme Court on the system of closed peer review of federal grants.

Latker told reporters that not only were official charges never brought against him, but he was not even given any warning that he would be "let go."

Whether or not Latker seeks redress of his grievances through the courts, his case has become a cause celebre for the pro-patent-rights advocates in Congress

and on the campuses.

"The extent to which HEW is willing to go to undo Latker is now painfully obvious," said Barry Leshowitz, an associate professor of psychology at Arizona State University and a former Congressional Science Fellow in Senator Dole's office.

"Does HEW contend that in this 180-billion-dollar bureaucracy, employing tens of thousands of people, there exists a 'party line' on all the sundry issues of education, welfare and health?" Leshowitz asks.

"If so, where is 'big brother' located? Where does an employee go to check out his information before addressing issues of concern to this profession? We are all familiar with the shortcomings of the giant bureaucracy, but never could one have anticipated that mind-control of its employees was a function it would attempt to assert."

The Congressional attack is no less vehement. Senator Bayh, for example, has been telling his colleagues in recent weeks that America is "falling behind in its traditional role of international leadership in technological innovation." The problem, Bayh contends, is directly related to what he feels are the government's unfair patent policies—the very ones Latker had tried to fight.

In support of his case, Bayh notes that:

- Importation of foreign manufactured goods are second only to foreign oil imports as the biggest drain on the US dollar.

- The number of US patents issued to US innovators each year has steadily decreased since 1971, but the number of US patents granted to foreigners has risen.

- American productivity is growing at a slower rate than that of our major competitors.

What's worse, contended Bayh, is that of the 30,000 patents that the government holds, less than four per cent are ever successfully licensed.

"This is very little return on the billions of dollars that we spend every year on research and development," he argues.

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ISSN 0048-9581

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Independently published by *Science & Government Report, Inc.*, twice monthly, except once each in January, July and August. Annual Subscription: Institutions, \$84.50 (two years, \$149.50); individuals, \$44 (two years, \$75). Editorial offices at 3736 Kanawha St., N.W., Washington, DC 20015. Tel. (202) 244-4135. Second class postage paid at Washington, DC. Please address all subscription correspondence to Box 6226A, Northwest Station, Washington, DC 20015. Reproduction without permission is prohibited. SGR is available on Xerox University Microfilms.

... Nader and Rickover Oppose Patent Change

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"A public which is regularly lectured on the promise and performance of science may not be grateful to learn that government's rules are blocking research applications. That could be far more harmful to science than the Golden Fleece awards," Bayh added in a June 30 letter to the editor of *Science*.

To remedy the situation, the Bayh-Dole bill would allow each nonprofit organization and small business to elect to retain title to innovations for at least five years and in some cases as long as eight years.

If a federal agency decides there is some compelling reason not to turn over the patent rights to the inventor, the agency would first have to clear the matter with the Comptroller General.

Ordinarily, the patent title would go to the agency only if the inventors or their organizations failed to take adequate measures to get the invention on the market.

What's clear amid all this controversy is that the transfer of technology from the university laboratory to industry is a complex and expensive business. It usually occurs in one of three ways: Sometimes the inventor patents his own ideas and sells them directly to a manufacturer; sometimes the university engages outside agents to handle faculty inventions, and sometimes a university will establish its own licensing arm to scout the faculty for patentable ideas and sell them directly to a commercial firm.

But without the exclusive rights to profit from their investments, critics like Dole and Bayh have argued, most firms are unwilling to put up the capital and to take the risks required to bring innovations to the commercial marketplace.

In order to avoid excessive profits, however, the Dole-Bayh bill would include a "pay-back" provision requiring inventors who make large profits to reimburse federal agencies for the support they received in creating the innovation. If over a 10 year-period, for example, a patent holder receives \$250,000 in after-tax profits, or more than \$2 million in sales, the government could collect up to 50 per cent of the net income above those figures until the government research money had been fully repaid.

Except in special circumstances, patent holders would also be required to have their inventions manufactured in the US.

"We think its a good bill that gets rid of most of the old objections about helping Mobil Oil and other big corporations reap windfall profits," said one Congressional aide.

"We hope to get the bill out of hearings and on the Senate floor by summer, which, as you know, around

here is fast work. But considering the wide bipartisan support we have, I think the bill stands a very good chance of passing."

Indeed, the support in the Senate is broad. Among the 15 co-sponsors of the Bayh-Dole bill are such political opposites as Strom Thurmond (R-S Carolina) and George McGovern (D-S Dakota). Similar support is anticipated in the House.

Nevertheless, all may not be as quick and easy as the supporters suggest.

On the other side of the issue is a powerful and highly vocal group of legislators and consumer advocates who argued all last year that patent rights for federally financed innovations are the property of the government and should be made generally available to the American public on a noncompetitive basis. Among the advocates for that view were Ralph Nader, Admiral Hyman Rickover, Senator Nelson (chairman of the Senate Subcommittee on Monopoly and Anti-competitive Activities), Sen. Russell B. Long (chairman of the Senate Committee on Finance) and the Justice Department's Anti-Trust Division.

Although little has been heard from them on the subject recently, this powerful lineup is not likely to sit quietly for too long in the face of such loud protests on the other side.—Anne Roark

(The author is an assistant Editor of *The Chronicle of Higher Education*.)

NOAA Fills University Post

The National Oceanic and Atmospheric Administration has appointed Earl G. Droessler, of North Carolina State University, to be director of NOAA's Office of University Affairs. Droessler, who previously held posts with NSF and the Defense Department, is professor of geosciences and vice provost and dean for research at the University, which he joined in 1971.

NOAA Administrator Richard A. Frank said one of Droessler's main responsibilities will be to strengthen the agency's ties with academic researchers.

New Journal on Human Research

IRB: A Review of Human Subjects Research, to be published 10 times a year, has been announced by the Hastings Center, Institute of Society, Ethics and the Life Sciences. For additional information: Hastings Center, 360 Broadway, Hastings-on-Hudson, New York 10706; or, telephone Carol Levine (914) 478-0500.

Europe: Aiming to Compete Against US In Space

London. Europe is beginning to compete with the United States in space by selling its ability to launch satellites. And it is doing this just when NASA is readying its new space-transportation system, the Space Shuttle.

The competition with NASA comes in the shape of the Ariane launcher, which was shown off last month by the European Space Agency (ESA), under whose auspices the project is run by the French Centre National d'Etudes Spatiales (CNES). The first launch is scheduled for November.

Last month's event was the first "roll out" of Ariane at the ESA/CNES space center in French Guiana, just off the equator in South America. At the debut, the people in charge of the project were jubilant about their first "commercial" success: In December, the Intelsat board of governors decided to have ESA provide the launch for the Intelsat V communications satellite.

The agency was euphoric. It needed something like this to give the Ariane program some international respectability. And it couldn't have come at a better time. ESA is also talking to Canada about the possibility of launching satellites. And China is showing interest in buying space technology from Europe.

ESA said of the Intelsat victory: "This decision—which three or four years ago would have seemed very unlikely—marks a turning point. This is the first time in the space field that Europe is selling a product and services of such importance to an outside customer. Second, there is every reason to think that this order will open up highly promising prospects; by penetrating such an important market Europe becomes a strong contender on the world market whose requirements are estimated to involve the placing in orbit of some 180 satellites by the end of the '90s."

Intelsat and ESA signed the launch contract in the middle of February. Under the terms of the contract, ESA undertakes to provide one Ariane launch, at a cost of \$25.29 million, tentatively scheduled for July 1981. And there is an option for a second launch, costing Intelsat \$27.46 million.

Roy Gibson, the director general of ESA, claims that the agency will not lose money on this deal. However, this does not mean that Intelsat will pay the total cost of the launches. To begin with there is no charge for the cost of the development program. And these early contracts will not include the total cost of operating the launch facilities. However, Gibson maintains that none of the members of the Ariane project will be asked to cough up an extra penny as a result of the Intelsat contract.

Ariane was in direct competition with the Space

Shuttle for these launches. It appears that both organizations put in rock-bottom prices—but still NASA was costlier than ESA, says Gibson, though the American agency was even more generous than ESA in leaving out some of the costs of a launch.

So far, the development of the Ariane launcher has gone relatively smoothly, which perhaps reflects its technological conservatism. There have been some delays—most recently the whole launch program was revised as a result of a fire at the end of November in a safety system in the ground equipment at the Vernon rocket test center near Paris.

The first Ariane launch is now set for early November, just days before the Shuttle is officially scheduled to go into orbit for the first time—though persistent technical difficulties are likely to delay the shuttle. The first user launch, carrying an ESA satellite, is due in April 1981.

It may be, as ESA claims, purely coincidental that the first Ariane launch is due to take place just before the Shuttle flight, but there is no doubt that the European team that is putting the launcher together sees itself as taking part in a race.

The success of the Ariane program could be crucial for the ESA and European collaboration in space. While its lack of technological originality makes this a far from pioneering project, Europe has to prove that it can get something right in this area. Chastened by the failure of the Europa launcher and the shambles of the European Launcher Development Organization (ELDO), in 1973 Europe set out to construct a launcher based on the current state of the art. The organization of the project centered on the French CNES rather than a nebulous international organization with the many problems that traditionally accompany such arrangements.

After the Europa fiasco—the first flight ended after the West German second stage went wrong and the whole thing had to be blown up—ELDO was dissolved. The European Space Research Organization (ESRO) took over in 1975—with the name change reflecting the broadened scope of the new organization.

French domination of the project is understandable, given that the French government is paying two-thirds of the costs of the Ariane program. Eight other countries are officially a part of the project, and Britain also contributes a little through a bilateral agreement with France.

France won this bit of the space program when the governments of Europe were trying to pick up the pieces after the collapse of ELDO. The French wanted

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... Next Step is a More Powerful Launcher

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to build a launcher anyway, and they probably would have gone ahead alone. But for the sake of European unity, other countries chipped in to an extent commensurate with their lack of dislike for the venture. Similar reasoning lay behind the carve up of other major projects that were to make up ESA's program: Spacelab, which went to West Germany, and the Marots maritime communications satellite, which went to Britain. (Both projects receive some support from other countries.)

Even though the first test launch is nine months away, ESA is looking ahead to the next stages of the program. Its first problem is to convince its paymasters to put in hand the construction of the second production batch of rockets. The first five operational launches are all but booked—there is some question as to what satellite will go aloft on the last launcher—and there are enough projects in hand to justify a start on this second batch of five launchers. This will cost some \$200 to \$250 million for the five—half for the launchers, the rest to keep the infrastructure going.

There may be some reluctance to spend more money before the first Ariane has proved itself, but, as Gibson points out, ESA needs approval now for the next batch if the Guiana center is to make full use of its four-a-year launch potential; in any case CNES will not be able to spend much of the money between now and November, so if L01, as the first Ariane launch is dubbed, is a failure, there is still time to put on the brakes.

ESA is also looking forward toward an improved Ariane. The rocket has been designed to put 1000 kilograms into a geostationary orbit. This is enough for a single Intelsat satellite. By increasing the payload that the launcher can put into a transfer orbit, ESA reckons it can put up two Intelsats at a time.

This and other uprating proposals, including revising parts of the rocket, have to be approved this year if the launches of the improved rocket are to begin in 1982.

But what will the whole thing cost? Raymond Orye, who is in charge of the Ariane program at ESA, reckons the bigger launcher will be only a few percent more expensive. However, ESA does say that it will build the first four Arianes well within the estimated development cost and the 20 per cent contingency allowance. At July 1977 prices, this was something over \$700 million. And it will cost around 10 per cent of this amount to improve Ariane's performance.

ESA estimates that over the next 10 years it can find customers for 40 to 50 Ariane launches. This will depend on, among other things, the growth of a market for direct-broadcast television satellites. It just so hap-

pens that the West Germans are keen on this idea—they see this as an area where they can steal a march on the US, which has no domestic need for such a satellite and has, therefore, shown little interest in the idea.

There is no denying that the Space Shuttle is a massive threat to Ariane. But this threat has, paradoxically, helped the Europeans, because it has provided them with competition.

What they're counting on—apart from the economy and technical virtuosity they hope to offer—is that for political reasons, there will be a market for launchers that originate outside the US and the USSR.—MK

In Print

Listed below are some recent publications that are likely to be of interest to SGR readers:

Peer Review in the National Science Foundation, report on the first phase of what is apparently intended as an endless study of a system that most everyone agrees works reasonably well; prepared under the auspices of the Committee on Science and Public Policy of the National Academy of Sciences; 193 pages, available without charge from the NAS, Office of Publications, 2101 Constitution Ave., Nw., Washington, DC 20006.

Humanities Report, new monthly publication of the American Association for the Advancement of the Humanities, which was founded in 1977; the journal, first issue 16 pages, comes with annual individual membership, which costs \$25. Address: AAAH, Suite 601, 918 16th St. Nw, Washington DC 20006.

Technological Innovation and the US Economy, proceedings of a meeting last November under the Academy Forum program of the National Academy of Sciences; 92 pages, available without charge, NAS, Academy Forum Office, 2101 Constitution Ave., NW, Washington, DC 20418.

Particle Beam Weapons, a putdown examination of the presumed missile-killing system that some Air Force aficionados and their friends are trying to foist on the Defense Department; prepared by a group assembled by the Program in Science and Technology for International Security of MIT's Physics Department; 71 pages, \$4 (payable to MIT), address; Ms. Gail Morchower, MIT, PSTIS, Room 26-402, Cambridge, Mass. 02139.

R&D: NSF Issues New Statistical Portrait

Following are some highlights from the National Science Foundation's latest statistical portrait of the US research and development enterprise, National Patterns of R&D Resources, Funds and Personnel in the US: 1953-1978-79:

- Annual expenditures for R&D—from all sources—now total about \$52 billion, more than double the level of 1969, but according to NSF, the “constant dollar outcome adds up to virtually no overall growth during the last decade.”

- The Federal government, source of more than half of the country's R&D funds, has reversed its decade-long emphasis on increasing funds for civilian-related research; for 1979, NSF notes, “over two-thirds of the increase in R&D funds proposed by the President is scheduled for defense.” NSF adds, however, that Congress has tended to trim defense R&D spending in favor of increases for health and energy.

- From a 1964 high of 3 per cent of gross national product, national spending for R&D has leveled off at 2.2 per cent, “primarily as a result of the slowdown in

Federal R&D spending through the midseventies. With the increases projected in the Federal R&D effort into the eighties,” NSF forecasts, “this ratio should remain at about its present level during the near future.”

- Employment of scientists and engineers in R&D positions hit a record high in 1977—an estimated 571,000, compared with 518,000 in 1973. According to NSF, “It is expected that R&D professional employment will reach 610,000 by the end of the decade, with all sectors sharing in the expected growth.”

- Industrial support of basic research has taken a nosedive in recent years. “In the early sixties,” NSF reports, “industry's share of basic research support was over 20 per cent. Since that time, the industrial sector has increasingly emphasized shorter-term pay-offs from its R&D effort with the result that industry in 1977 supported only 15 per cent of the Nation's basic research effort.”

- Employment of R&D scientists and engineers by the federal government has remained relatively constant over the past decade, with 48,000 employed by

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National R&D Support

Who Provides It

Current dollars in Millions

Year	Total	Federal Government	Industry	Universities and colleges	Other nonprofit institutions
1953	5,124	2,753	2,245	72	54
1960	13,523	8,738	4,516	149	120
1961	14,316	9,250	4,757	165	144
1962	15,394	9,911	5,123	185	175
1963	17,059	11,204	5,456	207	192
1964	18,854	12,536	5,888	235	195
1965	20,044	13,012	6,548	267	217
1966	21,846	13,969	7,328	303	246
1967	23,146	14,395	8,142	345	264
1968	24,604	14,926	9,005	391	282
1969	25,631	14,895	10,010	420	306
1970	25,905	14,668	10,439	461	337
1971	26,595	14,892	10,813	529	361
1972	28,413	15,755	11,698	575	385
1973	30,615	16,309	13,278	615	413
1974	32,734	16,754	14,854	677	449
1975	35,200	18,152	15,787	750	511
1976	38,816	19,628	17,804	821	563
1977 (prelim.)	42,902	21,649	19,739	893	621
1978 (est.)	47,295	23,815	21,780	1,000	700
1979 (est.)	51,630	25,715	24,050	1,110	755

Who Spends It

Current dollars in Millions

Year	Total	Federal Government	Industry	Universities and colleges	Associated FFRDC's	Other nonprofit institutions
1953	5,124	1,010	3,630	255	121	108
1960	13,523	1,726	10,509	646	360	282
1961	14,316	1,874	10,908	763	410	361
1962	15,394	2,098	11,464	904	470	458
1963	17,059	2,279	12,630	1,081	530	539
1964	18,854	2,838	13,512	1,275	629	600
1965	20,044	3,093	14,185	1,474	629	663
1966	21,846	3,220	15,548	1,715	630	733
1967	23,146	3,396	16,385	1,921	673	771
1968	24,604	3,493	17,429	2,149	719	814
1969	25,631	3,503	18,308	2,225	725	870
1970	25,905	3,855	18,062	2,335	737	916
1971	26,595	4,156	18,311	2,500	716	912
1972	28,413	4,482	19,539	2,676	764	952
1973	30,615	4,619	21,233	2,940	817	1,006
1974	32,734	4,815	22,867	3,023	865	1,164
1975	35,200	5,397	24,164	3,409	987	1,243
1976	38,816	5,710	26,906	3,730	1,147	1,323
1977 (prelim.)	42,902	6,142	29,895	4,064	1,384	1,417
1978 (est.)	47,295	6,565	33,250	4,585	1,375	1,520
1979 (est.)	51,630	6,940	36,750	4,965	1,425	1,550

SOURCE: National Science Foundation.

... 200 Companies Dominate Industrial R&D

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federal agencies, plus an additional 17,000 in military service or managing R&D activities. "Nearly half of all civilian R&D scientists and engineers employed by the Government are engineers, working mostly on defense and space projects."

- Since the midsixties, the ratio of Federal R&D funding to the total Federal budget has dropped from 13 per cent to six per cent. NSF points out, however, that when the so-called uncontrollables in the budget—veterans benefits, social security payments, etc.—are excluded, "the ratio has shown less of a decline—from 17 per cent in 1967 to 13 per cent in 1979."

- Of the 11,000 industrial firms that conduct R&D, 200 of them account for 90 per cent of the total. Of Federal R&D spending in industry, 85 per cent is awarded to "transportation and electrical equipment firms principally in the defense, space and energy areas."

(Copies of *National Patterns of R&D Resources* are

available for \$2.40 each from the US Government Printing Office, Washington, DC 20402. Request Stock No. 038-000-00399-2.)

NBS Revamps Journal

The National Bureau of Standards' *Journal of Research* is now being published in a combined edition that pulls together the two previously separate sections on the mathematical sciences and physics and chemistry. In addition, the format encompasses new sections on engineering and computer sciences. The *Journal* carries review articles and research reports, as well as abstracts of all recent publications originating at NBS. Publication is six times a year. Available for \$17.50 per subscription (\$4.25 additional for foreign mailing) from the US Government Printing Office, Washington, DC 20402.

Science & Government Report International Almanac

Pre-publication orders, at a substantially reduced price, are now being accepted for the new edition of SGR International Almanac. Following upon the first edition, which was published last year, the forthcoming volume will consist of original review articles on science-policy developments in all the industrialized and major developing countries, plus the texts of major science-policy documents issued over the past year. Written by leading science-policy specialists from over 20 countries, SGR International Almanac has won wide acclaim as a standard text in its field.

SGR International Almanac is "a needed book for all those who want a broad picture of science

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The SGR Almanac "is indispensable to any serious student of science policy" — Edward E. David Jr., White House Science Adviser, 1970-73, currently President of the AAAS and President of Exxon Research and Engineering Corp.

Publication is scheduled for June 1979, at which time the price per copy will be \$75.

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OTA Director Takes Off for Audubon Society

To much astonishment, but mixed reactions, Russell W. Peterson is bailing out of the Office of Technology Assessment (OTA)—just 13 months after he became director of the much-troubled, and now seriously wallowing, Congressional agency.

From OTA, he's announced, he's going to the presidency of the National Audubon Society, in response to what he describes as an offer "too attractive to resist." Just what impelled him to make this move while in the midst of reconstructing what is sometimes referred to as Congress's own "think tank"—well, nasty commentary is in abundant supply, as usual, in Washington science-policy circles. But, from asking around among SGR's various sources, what emerges is a non-startling combination of benign factors:

Peterson is both restless and not untouched by vanity; the well-heeled Audubon Society made him a plump offer, including, as he told SGR, a salary "significantly higher" than his present wage of \$52,500 a year; for a former state governor (Delaware, 1969-73) employment as a staff member serving the egos of Capitol Hill can be grating; and, finally, OTA as has been the case since it first came into being, in 1972, is still a kind of organizational freak in the Congressional scheme of things, and tends to arouse suspicions—especially on the political right.

However appealing the directorship may be—last time around when a successor was sought for founding Director Emilio Q. Daddario, there were hundreds of well-credentialed applicants (SGR Vol. VII, No. 19)—the job and Peterson were apparently not well matched.

As a one-time elected politico in his own right, and, under Nixon, head of the Council on Environmental Quality, Peterson lacked the capacity for deference that is so earnestly cherished by many of the punks that the political fates drop into Congressional seats.

To the contrary, Peterson possesses a zealous, self-righteous streak, accompanied by a pronounced tendency toward verbosity; he would have made a great preacher, as the elected recipients of some of his sermonizing have had occasion to note.

In any case, he's on the way out—effective March 31—to become head of the Audubon Society, a 400,000 member organization with annual income of \$12 million a year, 210 employees, 10 regional offices, and 73 sanctuaries. Peterson says the Society focuses on "conservation of life-support systems," a topic on which he has oppressed many audiences, domestic and foreign.

As for why he's leaving OTA at this time, he says, "I'm better equipped to be an advocate than an adviser," by which he means that the just-the-facts role assigned to OTA isn't too congenial for him.

Peterson stresses that the Audubon Society has been pursuing him for some time, and that he declined two previous offers from the organization before caving in.

As for a successor: the chairman of OTA's Congressional Board, Rep. Morris Udall (D-Ariz), has scheduled a meeting for March 8 to discuss the selection process. Last time, to deflect charges that the then-chairman, Senator Edward Kennedy, was using OTA for his own political purposes, the Board employed an incredibly elaborate and far-reaching process that identified and reviewed hundreds of possible candidates—finally settling for Peterson, who, as it turned out, had been totally overlooked by all the scouts.

The critical question now is whether OTA can survive. The issue, unfortunately, is not related to the quality of its work, which has steadily improved to the point where the agency has been turning out a stream of useful studies. Rather, the issue comes down to whether the US Congress is temperamentally suited to make use of this kind of scholarly service. Prior to Peterson's abrupt decision, it appeared that OTA was making progress in gaining Congressional recognition, acceptance, and understanding. But, it should be recalled, when he was appointed, many observers, including SGR, had the feeling that it was a do-or-die situation for OTA, which was in a bit of a shambles at the time.

What's at issue now is not merely the directorship—for which maneuvering is already vigorously underway—but the survival of the agency.—DSG

Science & Government Report
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